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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91211530
Party	Plaintiff J-Lynn Entertainment, LLC
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Date	11/17/2015
Attachments	Plaintiff_Reply_Brief_Opposition_91211530.pdf(297278 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

Registration No. 3682041
For the mark ADVENTURES OF SHADOW,

J-Lynn Entertainment, LLC,

Petitioner,

vs.

William T. Odonnell,

Registrant.

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Opposition No. 91211530
(Parent)

Cancellation No. 92056491
(Child)

TRIAL BRIEF OF OPPOSER J-LYNN ENTERTAINMENT LLC

Neadom T Medina
J-Lynn Entertainment LLC
PO BOX 12365
Mill Creek, WA 98082
440-610-5827
Member

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Cases

Nationstar Mortgage LLC v. Mujahid Ahmad, Opposition No. 91177036

Nationstar Mortgage LLC v. Mujahid Ahmad 112 USPQ2d 1361 (TTAB 2014) [Precedential]4, 11

West Florida Seafood vs. Jet Restaurants, 31 F.3d 1122, 31 USPQ2d 1660

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In re Bose Corp., 91 U.S.P.Q.2d 1938 (Fed. Cir. 2009).....11

PRELIMINARY STATEMENT

J-Lynn Entertainment LLC ("Opposer") respectfully submits its reply brief in support of its opposition for class IC0025 and cancellation for classes IC009, IC016, and IC032 of the registration and application for mark "Adventures of Shadow," filed by William T Odonnell ("Applicant").

Many of the issues and arguments in J-Lynn Entertainment's Trial Brief were addressed and will not be repeated. The Opposer will mostly focus on objections and arguments brought by the Applicant's counsel in the Applicant's trial brief. The Opposer will point out the fact that the Applicant would not be making false objections and arguments against Opposer's Notice of Reliance and witness testimony if Applicant did not commit fraud, non-use, and abandonment of his trademark as he claims. The Opposer will also point out that a majority of Opposer's Notice of Reliance exhibits were provided by the Applicant himself during discovery and during the Applicant's trial deposition. For the Applicant and his counsel to call the Opposer's Notice of Reliance inadmissible hearsay and lacking authenticity is say to say the Applicant has been submitting materials and giving testimony that is not authentic, thus knowingly committing fraud against the USPTO.

The Opposer will also point out the fact that the Applicant has failed to show any receipts, customer orders, testimony from customers, or any other evidence that would show sales, use in commerce, and continued use in commerce for any of the Applicant's registered and pending classes of goods for his mark "Adventures of Shadow" in the form of discovery materials, testimony exhibits, or notice of reliance. To summarize this argument, based on Section 1(a) of the Lanham Act, the Applicant has no evidence to show that he ever used the mark in commerce or continuously used his mark in commerce that would be necessary to establish priority under Section 1(a) of the Lanham Act. The Board in 2014, sustained opposition in the case of Nationstar Mortgage LLC v. Mujahid Ahmad 112 USPQ2d 1361 (TTAB 2014), where the applicant failed to establish priority under Section 1(a) and the Board ruled

that the Applicant committed fraud upon the USPTO. That case has striking similarities to this proceeding based on the Applicant William T Odonnell's lack of evidence and questionable testimony that lacks conviction and credibility.

ARGUMENT

In Section A, the Opposer addresses the Applicant's objections to evidence and testimony by J-Lynn Entertainment LLC during its testimony period, after which it addresses the merits of Applicant William T Odonnell's brief.

A. Applicant William T Odonnell's Objections to Evidence

1. Opposer's Deposition of Robert Holmes Jr.

Robert Holmes Jr is a experienced and renowned fraud and commerce investigator hired by J-Lynn Entertainment to investigate the use of the Applicant's mark "Adventures of Shadow" after receiving threats of a lawsuit and trademark opposition by the Applicant William T Odonnell. Mr. Holmes provided a report on the findings which found that there was no legitimate use of the Applicant's mark in commerce for the following classes of goods, Class 9 Motion picture films, Class 16 Books and printed materials, Class 32 Purified Bottled drinking water, and Class 25 Clothing. The Applicant and his Counsel Matthew Swyers were given a copy of Mr. Holmes report during discovery, and have been properly disclosed and fully aware of Mr. Holmes and his investigation throughout this proceeding. The Opposer finds it suspicious that the Applicant's counsel filed a withdrawal of counsel on December 1st 2014, less than 24 hours before the Opposer's trial depositions were supposed to start, and less than 48 hours before the deposition of Mr. Holmes than to later re-enter as the counsel on record for the Applicant within 30 days. On December 2nd the Opposer contacted the Interlocutory Attorney for this case Jennifer Krisp (See Exhibit 1) about how to proceed with the Deposition of Robert Holmes scheduled in the early morning on December 3rd 2014, and if the Board would still accept Mr. Holmes testimony as evidence. The Opposer spoke with Ms. Krisp asking if Deposition of Mr. Holmes should be cancelled or if we

could still submit the transcript as evidence. She stated that the Board did not approve the withdrawal of Matthew Sywers and that he was still the attorney on record and that she would not partake in ex parte communications. The next morning, on the Dec 3rd the scheduled date of Mr. Holmes' Deposition, Jennifer Krisp approved the withdrawal of Matthew Swyers as counsel. On December 3rd the Opposer then spoke to the paralegal on this case Victoria Vistauxx Von and a woman who identified herself as the manager of the assigned paralegal on this case and the manager stated they would accept the transcript for the Deposition of Robert Holmes Jr as evidence.

In previous telephone calls with the Applicant's counsel Matthew Swyers, Mr. Swyers stated he worked on a lot of cases that the Interlocutory Attorney Jennifer Krisp and that he knew her well. It is our belief that Mr. Swyers a former USPTO Attorney who knows Board procedure very well purposely tried to derail Mr. Holmes deposition knowing that Ms. Krisp would approve his withdrawal the day of the deposition. This belief is more than certain now that Matthew Swyers Opposes the Deposition of Robert Holmes Jr. in the Applicant's Trial Brief. We find this contradictorily because on Dec 2nd the Applicant's counsel supported the continuation of Mr. Holmes deposition to the Board on December 2nd (See Exhibit 2). Given that the arguments and gray area of the deposition taking place the same day of the case being suspended. The Opposer asks for the Applicant's Objection to the Deposition of Robert Holmes Jr. be overruled and the testimony and report by Mr. Holmes be accepted as evidence, and that the Board recognizes a clear and deliberate attempt by the Applicant and his counsel to obstruct expert testimony that clearly gives strength the Opposer's case that the Applicant's mark was not being used in commerce.

2. Applicant's Objection to the Opposer's Notice of Reliance (Exhibit 5 and Exhibit 15)
Deposition of Robert Holmes Jr.

The Opposer requests that the Board overrules the Applicant's objection to the Opposer's Notice of Reliance Exhibit 5. The Opposer clearly and properly disclosed this exhibit not only during discovery and in the Opposer's Responses to the Applicant's Request for First Set of Admissions, but throughout

this proceeding. The Applicant and his counsel were completely informed and properly disclosed about Mr. Robert Holmes Jr, his investigation, and his report. This is another attempt by the Applicant and his counsel to deceive the Board during this proceeding. Knowing this and that the Applicant's counsel would say they were never made aware of Mr. Holmes investigation, the Opposer filed on the ESTTA server so it was dated, the Opposer's Responses to the Applicant's Request for First Set of Admissions publicly via TTABVUE as entry 12 on March 12th 2014. The Notice of Reliance Exhibit 5 was introduced to the Applicant and his counsel as Fig 2 of this response and our investigator was mentioned in Response number 6.

3. Applicant's Objection to the Opposer's Notice of Reliance (Exhibit 1, Exhibit 2, Exhibit 3, Exhibit 4, Exhibit 5, Exhibit 7, Exhibit 8 through 12, and Exhibit 14).

The Opposer requests that the Board overrules the Applicant's objection to the all of the above mentioned Opposer's Notice of Reliance exhibits. All of the Opposer's exhibits are completely relevant to this case and have been properly submitted to the Board regarding the proper TBMP rules, and all of the Opposer's exhibits have been properly introduced and disclosed to the Applicant and his counsel during discovery and trial periods. The Applicant's claims of not being properly disclosed are false, since a majority of evidence were submitted to the Opposer by the Applicant and his counsel during discovery and trial testimony.

B. Applicant's Failure to Produce Official Documentation or Witness Testimony Use and Continued Use of The Applicant's Mark in Commerce for Class 9 Motion Picture and Documentary Goods

The Applicant during his trial testimony claims that his contested registration has appeared in various motion pictures, broadcast, and online videos. The Opposer would like to point out the fact that the Applicant has failed to produce official documentation, schedules, emails, letters, employee testimony, or payment invoices from these TV channels, broadcast studios, and news studios. The

Applicant has failed to produce copies of video or screen captures from broadcast or videos showing the Applicant's registered mark being used.

The Applicant claims that his contested trademark appears in a video of the St George Reef Lighthouse titled "Last One Out, Turn Off the Light" and points out Odonnell Exhibit 5 from the Applicant's trial testimony. The Opposer would like to point out that the Applicant has provided no evidence that this document is authentic. It makes no reference that the Applicant is offering a service or product being aired on TV using the Applicant's registered mark. Any mention of ordering a product is for a DVD titled "Last One Out, Turn Off the Light" which is not the Applicant's registered mark.

The Applicant also points out Exhibit 5 from the Applicant's trial testimony. Which is a federal tax return for 2007 to 2011. The Opposer would like to point out that the Applicant and his counsel have degraded the quality of this exhibit to the extent that most of the content is unreadable. Closely examining these tax documents, there is no official mention of the Applicant's registered mark on this documentation. There is also no official W-2 or 1099 Contractor forms showing payments from any of the TV, Broadcast Studio, or news outlets the Applicant claims his registered mark offered goods or services for under the Class 9 category.

C. Applicant's Failure to Produce Official Documentation or Witness Testimony Use and Continued Use of The Applicant's Mark in Commerce for Class 16 Calendars and Other Printed Materials

In the Applicant's trial brief it points out Exhibit 10 from the Applicant's trial testimony which shows a calendar with 2012. After close examination there is no indication that the Applicant's registered mark is on this calendar. The Applicant also failed to produce official documentation, invoices, receipts, customer testimony showing sales of calendars. Which gives strength to the Opposer's Argument of non-use in commerce. The Opposer would also like to point out that the Applicant has failed to produce examples or documentation for years prior to or after 2012. Which the Opposer makes the argument that

if the Applicant did sell a calendar in 2012, which the Opposer believes is not the case. The Applicant abandoned the mark after 2012 due to lack of samples and documentation for other years. The Opposer would also like to state the case of fraud because there were no samples in documentation for sales of calendars for the years 2007 through 2011 when the Applicant claims a first use in commerce on August 29 2007.

D. Applicant's Failure to Produce Official Documentation or Witness Testimony of Customers, Evidence of First Use, and Evidence of Continued Use of The Applicant's Mark in Commerce for Class 32 Bottled Water

In the Applicant's trial brief it points out Odonnell Exhibit 8, 10 claiming the Applicant/Registrant began using the subject trademark in connection with water bottles in 2006. The Opposer objects to this claim and gives the argument that Odonnell Exhibit 8 does not prove use in commerce, but in fact proves fraud upon the USPTO and does not prove actual sales in commerce of water bottles using the Applicant's mark. The Opposer would like to point out an email dated August 29th 2007 in Odonnell Exhibit 8, bates number 000143. In this email the Applicant is inquiring about a quote and a transaction has yet taken place. In the second to last sentence the Applicant states "Until last Sunday eve I never really thought of using it (referring to the Applicant's mark) on water bottles..." This contradicts the claim the Applicant and his counsel makes in his trial brief that the Applicant used the trademark in connection with the water bottle in 2006, and contradicts the Applicant's claim of first use in commerce on August 29th 2007.

The Applicant also fails in his trial testimony and trial brief to submit any evidence showing sales receipts or customer testimony that water bottles were sold online, at a store, or any festival. More specifically the Applicant mentions in his trial brief "sales most likely initially began at Bigfoot Days, an international festival, that occurs annually just before Labor day" (Odonnell Deposition Pg 64 - 65). The Applicant has failed to show any evidence that he ever attended and sold products at a festival called Big

Foot Days. There is no photographs of products being sold, no attendance tickets, no booth or vender registrations for this festival. The Applicant points out (Odonnell Deposition Exhibit 11) as evidence of sales from a store known as the Treasure Trove. After close examination this exhibit is not a receipt or records of sales, it appears to possibly be an inventory list. On this exhibit there is no further evidence that this exhibit is authentic or has any connection to a store called Treasure Trove. Treasure Trove is not even on this suspected inventory list. The Applicant could have fabricated and printed this document at any time after these proceedings were filed. There are no examples of this inventory list was maintained from 2007 to present day showing continued use and sales in commerce.

E. Applicant's Failure to Make an Argument, Produce Official Documentation, Produce Evidence Showing Sales, Produce Customer Testimony, Prove Previous Use, and Prove Continued Use of The Applicant's Mark in Commerce for Class 25 Clothing

The Applicant during his trial has failed to show or produce any form of evidence or witness testimony outside of his own testimony that proves bona fide previous use and continued use since the Applicant's stated first use in commerce of August 29 2007 for the class of goods and services IC025 Clothing. The Applicant has failed to even make an argument supporting his use of his mark in the class IC025 in his own trial brief. With the lack of evidence and no argument in his trial brief defending his pending Applicant for IC025 clothing. It is without question the Board should sustain the opposition of the Applicant's mark for IC025 clothing for the grounds of fraud and non-use.

F. Objection to Applicant's Claim of Lost Records Due to Destroyed During a Moved and Destruction of a Hard Drive

The Opposer objects to the claim on page 10 of the Applicant's trial brief that records were lost and/or destroyed due to a move and a hard drive destruction. The Opposer finds this claim suspicious and a convenient excuse to the Applicant's case of not providing any sales receipts, inventories orders, or documents showing continuous sales in commerce. Even if this was the case, the email in the Applicant's

Odonnell Exhibit 17 is dated December 13 2011. If the Applicant had been continuously using his mark in commerce there should be records after the date in question of the destroyed hard drive, other records, sales, inventory orders and other transactions should be easily available online via email , through online vendor accounts, or by request from other vendors and companies. Yet the Applicant has failed to produce and evidence or documents of this nature.

G. Applicant's False Argument of Advertising of the Subject Mark and Objection to Evidence

On page 12 of the Applicant's trial brief, the Applicant/Registrant states advertisements on Facebook (Odonnell Deposition Exhibit 12), on his website (Odonnell Deposition Exhibit 13), on his Twitter account (Odonnell Deposition Exhibit 14), and on the Applicant's LinkedIn Account (Odonnell Deposition Exhibit 15). These exhibits are fabricated and self serving, and were created and modified after the Opposer notified the Applicant's mark was subject to cancellation for non-use, abandonment, and fraud and after these cancellation/opposition proceeding was filed by the Opposer. The Applicant has failed to show registration confirmation for these accounts showing the date they were created, and these exhibits did not exist when Robert Holmes Jr performed his investigation and made his report. During Mr. Holmes investigation Mr. Holmes found that cached versions of the Applicant's websites that date from 2012 to 2006 found that either the site had no mention at all of the Applicant's mark or reference that products and services were "coming" and not available. The creation of these exhibits were made by the Applicant to give the appearance that the Applicant was using his mark in commerce. If you examine the exhibit closely the Applicant has a copyright claim dated 2013 on the Facebook posts, which supports the Opposition's argument that these exhibits were made after this cancellation proceeding was filed. The Applicant has failed to show evidence of these advertisements prior to this cancellation/opposition proceeding filed to his claimed first use date of August 29th 2007. The Applicant states during his deposition that he advertised in phone books and the Yellow Pages, but has failed to show evidence of official registrations, confirmations, or any official documentation that any advertisements were actually

used and continuously used in any phone books. For this basis, the Opposer objects to this fabricated evidence.

H. Applicant's Refusal for Settlement

It is Opposer's belief as stated in its trial brief that the Applicant is using his mark for possible gain through frivolous litigation and use of intimidation of litigation to scare organizations or individuals into handing over assets such as domain names and user accounts to the applicant. This belief is based on emails from the Applicant. The Opposer has also come to this conclusion based on the fact that the Applicant and his counsel have ignored and rejected several settlement offers that would allow the Applicant to register his mark in all categories of commerce as long as the Applicant sends a contract agreeing not to seek litigation or trademark opposition against the Opposer's mark in any category of class of goods. The Opposer thinks this is a very fair settlement, but the fact that the Applicant refuses the simple agreement of not seeking any form of litigation against the Opposer J-Lynn Entertainment. Gives strength to the argument that the Applicant is using his mark for possible financial gain through litigation.

I. Objection and argument against the Applicant's claim of the West Florida Seafood vs. Jet Restaurants case

The Applicant in his trial brief on page 15 tries to argue that the Oppositions failure to prove abandonment based on West Florida Seafood vs. Jet Restaurants Fed Cir. 1994. The Applicant and his counsel go on to define the term "abandoned" in relation to trademarks when the following occurs:

(1) When its use has been discontinued with intent not to resume such use. Intent not to resume may be inferred from circumstances. Nonuse for 3 consecutive years shall be prima facie evidence of abandonment. "Use" of a mark means the bona fide use of such mark made in the ordinary course of trade, and not made merely to reserve a right in a mark.

The Opposer would like to object to the Applicant's argument, and state that the Applicant has failed to prove that he has not abandoned his mark, and has failed to show continuous use of his mark for more than 3 consecutive years for his current and pending registrations. The Opposer would also like to argue that it has proven that there is prima facie evidence that the Applicant has abandoned his mark for more than 3 consecutive years based on not only pointing out the lack of evidence proving any use in commerce by the Applicant but by also presenting the testimony of Robert Holmes Jr and his investigation report on the Applicant showing evidence that at the time on October 15th 2012 which would be more than 3 consecutive years from the Applicant's stated first use date of August 29th 2007. There was clear case for abandonment and non-use when there was no evidence found by Mr. Holmes of water bottles for sale using the Applicant's mark, no evidence of any type of film or video for sale, no evidence of t-shirts for sale, and no evidence of any printed goods such as books or calendars for sale by the Applicant. During Mr. Holmes' investigation he tells Mr. Holmes that "We don't have DVD's at the moment."

J. Objection and argument against the Applicant's claim of the In re Bose Corp standard

The Applicant in his trial brief tries to state the Opposition's failure to prove fraud based on In re Bose Corp., 91 U.S.P.Q.2d 1938 Fed. Cir. 2009. When you examine that case of Bose vs. Hexawave, the basis of that case was that Bose at one point manufactured products, then stopped manufacturing and selling the products but continued to service previous existing products. So Bose, claimed continued use of the mark WAVE. This scenario does not relate to the Applicant, because there is absolutely no evidence that the Applicant used its mark in commerce for all the goods and services under the classes of Class 32 Water Bottles, Class 16 Fictional Books/Printed Materials, Class 9 Motion Picture Films, and Class 25 Clothing prior to, on, or after his claimed first date use of August 29th 2007. The Applicant's scenario closely relates to the Board's ruling in 2014 for Nationstar Mortgage LLC v. Mujahid Ahmad 112 USPQ2d 1361 (TTAB 2014) where the board found that Mujahid Ahmad had committed fraud against the USPTO setting a new precedent in TTAB fraud cases.

CONCLUSION

For the preservation of the integrity in the USPTO's administrative process, and avoidance of future applicants undermining the rule of law at the USPTO by submitting false statements, specimens, and modifying evidence to hide non-use. The Opposer urges the Board to sustain this opposition and cancellation on the grounds of non-use, abandonment, and fraud for the Applicant's mark "Adventures of Shadow" under the classes of goods and services IC 009 Motion Picture Films, IC 016 Fictional Books/Printed Materials, IC 32 Bottled Drinking Water, and IC 025 Clothing. It is abundantly clear that the Applicant has no evidence that shows legitimate sales first use in commerce, continued use in commerce, and that the Applicant is showing inherent resistance against the Opposer's evidence that shows non-use, abandonment, and fraud by not cooperating during this proceeding and trying to hinder the Oppositions ability to submit evidence. Even when the evidence comes from the Applicant's own emails, submitted by the Applicant himself during his testimony. Which shows without a doubt non-use on and after the Applicant's stated first use in commerce.



Tamar Medina <tamar@j-lynnentertainment.com>

Consolidated Opposition No. 91211530 (parent case), Cancellation No. 92056491 J-Lynn Entertainment, LLC vs. Odonnell, William

Tamar Medina <tamar@j-lynnentertainment.com>

Mon, Dec 1, 2014 at 6:40 PM

To: "Krisp, Jennifer" <Jennifer.Krisp@uspto.gov>

Cc: Valerie Kuhar <ValerieK@thetrademarkcompany.com>, "Matthew H. Swyers"

<mswyers@thetrademarkcompany.com>, William Odonnell <billjr@odonnell.ws>, victoria.vistauxxvon@uspto.gov, victoria.vonvistauxxvon@uspto.gov

Hello Jennifer,

I received the below notification from Matthew Swyers for a withdrawal of counsel for William T Odonnell for the above reference proceeding. A deposition was scheduled for tomorrow December 2nd at 9am for William T Odonnell, and another deposition was scheduled on December 3rd at 9am for the fraud investigator Rob Holmes who investigated William T Odonnell's use of his mark.

The notification has not appeared in the ttabvue yet indicating that the withdrawal of counsel was filed via ESTTA by Mr. Swyers or Mr.Odonnell. I find the timing of this notice questionable. Considering past delays by Mr. Swyers, very recent social media posts by Mr. Odonnell, and the lack of cooperation by Mr. Swyers and Mr. Odonnell in over this proceeding, I'm generally concerned it is tactic by the applicant and counsel to delay and complicate my trial period since it was such a last minute notice before my depositions start. I'm worried Mr. Odonnell will rehire Mr. Swyers in 30 days, if he actually is withdrawing.

What I wanted to ask is, if Mr. Odonnell is not being represented by an attorney can I still take the deposition of the fraud investigator Rob Holmes on December 3rd and submit the transcript of that deposition to the USPTO and have that still be recognized and considered by the board for my trial period?

Also if I could submit without any issue or opposition by the USPTO, my notice of reliance documents showing Mr. Odonnell had fraudulently mislead the USPTO on his claimed first use in commerce on his trademark applications and examples of non-use without having deposition from Mr. Odonnell?

Kind Regards,

Tamar Medina

Co-Founder/Producer/Artist

J-LYNN ENTERTAINMENT, LLC

440-610-5827

<http://www.j-lynnentertainment.com>

<http://theadventuresofshadowcat.com>

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Exhibit 1__1 of 3_Opposer_Reply_Brief

On Mon, Dec 1, 2014 at 3:11 PM, Matthew H. Swyers <mshwyers@thetrademarkcompany.com> wrote:

Tamar:

I apologize for the late notice but we have filed the attached Withdrawal of Counsel of Record in the above-referenced matter. As such, please accept this email as notice Mr. O'Donnell will not attend his deposition tomorrow as we will be removing ourselves as counsel of record in this matter.

I attempted to contact you to speak with you via phone today but was unable to reach you.

Of note, when counsel files a request to withdraw from a case the Board will typically enter an order suspending the case further requesting that the party who is then unrepresented alert them within 30 days if they intend to continue forward with the case. If so, the Board will then reset the dates including your trial period.

Of note, and if you prefer something in writing, Mr. O'donnell would be willing to agree to a 30-day extension of dates pending our withdrawal from the matter.

Again, I apologize for the late notice. Please call or write with any questions you may have.

Matthew H. Swyers

The Trademark Company, PLLC

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Exhibit 1__2 of 3_Opposer_Reply_Brief

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Tamar Medina <tamar@j-lynnentertainment.com>

Conference Call

1 message

Tamar Medina <tamar@j-lynnentertainment.com>

Tue, Dec 2, 2014 at 9:28 AM

To: "Krisp, Jennifer" <Jennifer.Krisp@uspto.gov>, Matthew Swyers <mswyers@thetrademarkcompany.com>, Valerie Kuhar <ValerieK@thetrademarkcompany.com>

Hi Jennifer,

I'm hoping we can set up a conference call with you early today with Matthew Swyers, since you have stated he is still the attorney on record and his withdrawal has not been approved. Matthew Swyers is not answering my phone calls, and I spoke to his client William T Odonnell and he has refused to show up for his deposition today.

I would like to know during this conference call if I'm going to have any issues submitting transcripts from other depositions if Mr. Swyers or Mr. Odonnell is not participating.

Kind Regards,

Tamar Medina
Co-Founder/Producer/Artist
J-LYNN ENTERTAINMENT, LLC
440-610-5827
<http://www.j-lynnentertainment.com>
<http://theadventuresofshadowcat.com>

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Exhibit 1__3 of 3_Opposer_Reply_Brief



Tamar Medina <tamar@j-lynnentertainment.com>

J-Lynn Entertainment, LLC vs. Odonnell, William

Matthew H. Swyers <mswyers@thetrademarkcompany.com>

Tue, Dec 2, 2014 at 11:22 AM

To: Tamar Medina <tamar@j-lynnentertainment.com>

Cc: "Krisp, Jennifer" <Jennifer.Krisp@uspto.gov>, Valerie Kuhar <ValerieK@thetrademarkcompany.com>

Tamar:

It was a pleasure speaking with you. As we discussed, we regret to have had to file the withdrawal as it occurred. As we discussed your deposition of Mr. O'Donnell was properly noted and you will be able to depose him in this matter. Unfortunately, given a multitude of circumstances we felt it best for me to withdraw and, as he would then not be represented, to request a later date for his deposition.

In regard to the deposition of Mr. Holmes tomorrow, please note that we do not have an objection to you moving forward with the deposition although Mr. O'Donnell, myself, or anyone representing Mr. O'Donnell will attend. I hope that this removes any concern you may have concerning moving forward.

If I have missed anything please let me know.

Thank you,

Matthew H. Swyers

The Trademark Company, PLLC

344 Maple Avenue West, PBM 151

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Phone (800) 906-8626 x100

Facsimile (270) 477-4574

www.TheTrademarkCompany.com



Exhibit 2__1 of 1_Opposer_Reply_Brief

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

Registration No. 3682041

For the mark ADVENTURES OF SHADOW,

J-Lynn Entertainment, LLC,

Petitioner,

vs.

William T. Odonnell,

Registrant.

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Cancellation No. 92056491

Opposition No. 91211530

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I respectfully submitted a copy on this Notice of Reliance upon the Applicant and his counsel on November 16, 2015 Pacific Standard Time, to the Trademark Trial and Appeal Board and to be served, via email, via first class mail and via the TTAB's Electronic System for Trademark Trials and Appeals (ESTTA), postage prepaid, upon:

Matthew H. Swyers
The Trademark Company
2703 Jones Franklin Road, Suite 206
Cary, NC 27518

The Trademark Company
344 Maple Avenue West, PMB 151
Vienna, VA 22180

/Neadom T Medina/
Neadom T Medina

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